

Amendment No. 1 to HB2555

Ramsey
Signature of Sponsor

AMEND Senate Bill No. 2715

House Bill No. 2555*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following new section:

(a) Notwithstanding any law to the contrary:

(1) Except as otherwise provided in this subdivision (a)(1), an agency shall not promulgate a rule that increases an existing administrative fee in an amount that exceeds the lesser of five percent (5%) of the fee or the average annual rate of inflation for the immediately preceding calendar year as calculated using the consumer price index published by the United States department of labor, bureau of labor statistics. If an agency does not increase a fee for a period in excess of one (1) year, for each calendar year in which the fee is not increased, the agency may promulgate a rule increasing the fee in an amount not to exceed the aggregate average annual rates of inflation for each preceding calendar year during which the fee was not increased by rule;

(2) An agency shall submit any proposed increase of an existing administrative fee in excess of the amount specified in subdivision (a)(1) as a legislative bill or an amendment to a legislative bill for consideration by the general assembly; and

(3) Any administrative rule that proposes to increase an existing administrative fee in excess of the amount specified in subdivision (a)(1) and that is filed with the secretary of state is null and void.

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(b) For each fee increased by rule in accordance with subdivision (a)(1), not less than thirty (30) days before the rule takes effect, the adopting agency shall submit a written or electronic report to each member of the general assembly that includes the following:

- (1) The text of the proposed rule;
- (2) The amount of the current fee and the amount of the proposed fee;
- (3) A citation to the statutory authority for the fee;
- (4) A detailed explanation of the need for the increase in the fee; and
- (5) The current balance of the account or fund into which the fee is deposited and the ending balance of such account or fund for each of the last two (2) fiscal years.

(c) Nothing in this section may be construed to authorize the creation, establishment, or promulgation of a new administrative fee.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to all administrative rules filed with the secretary of state on or after July 1, 2018.